

REMARKS

Claims 1-12 remain pending in this patent application.

SECTION 112, 2ND PARAGRAPH, REJECTION

Claims 1-12 were rejected under 35 USC § 112, second paragraph, as being indefinite. In this paper, Applicant has amended claims 1, 2 and 9 to recite "comprising" instead of "consisting essentially of."

Applicant trusts that the amendments to the claims have obviated this rejection.

PRIOR ART REJECTION

Claims 1-12 were rejected under 35 USC § 103(a) as being unpatentable over US 4503002 (Klebe et al.) and DE 1 163 784 (Schutte et al.) in view of US 6103004 (Belligoi et al.). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 1-12 as now presented.

In this paper, Applicant has amended independent claims 1, 2 and 9 to recite the hydrophobizing section or device as "communicating with said deacidifying section or device in a lower portion of the fluidization vessel." Applicant submits that this attribute, in combination with the other attributes of the claimed apparatus, is not made obvious by any reasonable combination of the disclosures in Klebe et al., Schutte et al. and Belligoi et al. Support for the amendments to claims 1, 2 and 9 can be found in the specification as filed on page 6, lines 26-30.

In making the rejection, the Examiner treats the disclosures in Klebe et al. and Schutte et al. as one. That is, while Klebe et al. does not disclose an apparatus having separate zones for hydrophobization and deacidification, the Examiner imputes this attribute to the fluidized bed reactor 11 in the Klebe et al. apparatus in view of the disclosure in Schutte et al.

The Examiner acknowledges that the Klebe et al.-Schutte et al. apparatus does not employ filters. Belligoi et al. offers a disclosure of using a cyclone followed by a filter in a process of obtaining a silica matting agent from a micronized silica gel suspended in water. From this broad disclosure in Belligoi et al., the Examiner concludes that it would have been obvious to modify the Klebe et al.-Schutte et al. apparatus to include a filter following the cyclone 8 in a conduit extending between the top of fluidized bed reactor 11 and the point where silica is

introduced to the fluidized bed reactor. Applicant submits that the Examiner's specific application of a broad disclosure in Bellogi et al. is not supported by any disclosure in the applied prior art.

Applicant does not contend that a cyclone used with a filter is new. However, in Applicant's disclosed and claimed apparatus, the second cyclone and second filter, used for collecting hydrophobic silica fine powder which flies out of the fluidization vessel and for returning the collected hydrophobic silica fine powder to the deacidifying section or device, exhibits notable advantages over known apparatuses for producing hydrophobic silica fine powder, as explained in Applicants' specification.

From the foregoing, Applicant submits that the modification of the Klebe et al.-Schutte et al. apparatus proposed by the Examiner would not have been obvious.

Even if the modification of Klebe et al.-Schutte et al. proposed by the Examiner were made, the resulting apparatus could not fairly meet the requirements of Applicant's claims. Even if the fluidized bed reactor 11 in the Klebe et al.-Schutte et al. apparatus is regarded as having separate zones for hydrophobization and deacidification, there is no feature of the fluidized bed reactor that could be identified as a deacidifying section or device or, more specifically, a deacidifying section or device to which hydrophobic silica is returned, as required by Applicant's claims. Also, there is no identifiable feature of the Klebe et al.-Schutte et al. apparatus that can provide communication between the hydrophobizing section or device and the deacidifying section or device in a lower portion of the fluidization vessel, as now required by Applicant's independent claims.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in Klebe et al., Schutte et al. and Belligoi et al. can properly serve as a basis for rejecting independent claims 1, 2 and 9 or dependent claims 3-8 and 10-12 under 35 USC § 103(a).

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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